

Furthermore, the presentation of newly added claims 10 and 11 herein was accompanied by the cancellation of claims 2 and 4 and therefore no additional claims are presented without cancelling a corresponding number of finally rejected claims. In view of the above, it is submitted that entry of the above amendments is in order and such is respectfully requested.

By a separate sheet attached hereto, the fee necessitated by the presentation of additional independent claims has been calculated and a check in that amount is enclosed.

Initially, applicants wish to make of record the personal interview conducted between Examiner Nguyen and the undersigned on November 13, 1997. The supervisor for Ms. Nguyen, Examiner Milano, also attended the interview. During the interview, a Draft Amendment was presented which proposed combining claims 1 and 2 and adding claims 10 and 11 as above. Claim 5 was included in the Draft Amendment for convenience in referring to the method claims during the interview. Furthermore, the proposed claimed invention and how it distinguished over the newly cited patent to Zachariades et al was discussed. The principal emphasis was on the fact that the present application utilized cross-linking of the UHMWPE articles, whereas the patent does not teach such cross-linking, and that this feature was important for obtaining orientation of crystal planes and thus the improved mechanical properties for the articles.

However, the examiners expressed the opinion that the language used in claim 1 did not clearly define this distinction. In particular, it was the position of the examiners that the

phrase "orientation of crystal planes" as used in the claims encompassed any orientation of crystal planes such as random orientation and this broad meaning would include the crystals of the materials according to the cited patent. It was then proposed that perhaps claim 1 could be (1) amended to include the definition of the phrase as contained in lines of page four of the specification for further clarity or (2) applicants would submit evidence such as a text or the like that the noted phrase had a defined meaning in the art relative to particular crystal structure or the like. With regard to the former, it was suggested that perhaps the use of the amended phrase "orientation of crystal planes in a direction parallel to a compression plane." The examiners, as indicated in the Interview Summary Record, stated that clarification of the above recitation may receive favorable consideration, that is, the examiners were inclined to allow the application on such a basis. It is desired to thank the examiners for the courtesies extended during the interview.

In the Office Action, claim 4 was objected to under 37 CFR § 1.75(c) as being in improper dependent form for failing to further restrict the subject matter of the previous claim. In particular, it was alleged that the preamble of claim 4 was different from the claims from which it depends. As noted above, claim 4 has been rewritten as independent claims 10 and 11, the latter including the subject matter of dependent claim 3. Accordingly, withdrawal of the objection is requested.

Claims 1-4 and 9 were rejected under 35 USC § 102(b) as being anticipated by the newly cited patent to Zachariades et al. In making this rejection, it was asserted that the

Zachariades et al patent teaches the UHMWPE articles as set forth in the noted claims. In particular, it was alleged that the description at column 3, lines 52-61 indicates that the resultant articles have a orientation of crystal planes as defined in claim 1. Reconsideration of this rejection in view of the above claim amendments and the following comments is requested.

As noted above, claims 1 and 9 have been amended to recite the definition of the phrase "orientation of crystal planes" as contained in lines of page four of the specification for further clarity and as was suggested during the interview as distinguishing the subject claims over the cited patent. It is submitted that the cited patent to Zachariades et al does not teach or suggest such an orientation of crystal planes. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 and allowance of claims 1 through 9 as amended and the claims dependent thereon over the cited patent are respectfully requested.

In addition, claim 5 was rejected under 35 USC § 103 as being unpatentable over the above patent to Zachariades in view of the patent to Duan et al. Briefly, it was asserted that the former patent teaches a method for producing an article of UHMWPE which includes, among other steps, (1) cross-linking the article using chemical modifications. The latter patent was then asserted to supply this teaching deficiency. Furthermore, claims 6-8 were rejected under 35 USC § 103 as being unpatentable over the above patent to Zachariades et al in view of the patent to Duan et al further in view of the patent to Rosenzweig applied in the first Office Action. The latter patent was cited for its teachings with respect to the subject matter of claim

6 relative to radiation dosages. Reconsideration of these rejections in view of the above claim amendments and the following comments is requested.

In view of the amendments to claim 5 herein which correspond to the amendment made to claim 1, it is submitted that the same considerations as set forth above with respect to the rejection of claim 1 would also be applicable to this rejection as well as to the claims dependent thereon. That is, the above remarks concerning the teaching deficiencies of the Zachariades et al patent are also applicable to the subject matter set forth in independent claim 5 directed to a method for producing an ultra high molecular weight polyethylene molded article. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 and allowance of claims 5 and 6 as amended over the cited patents are respectfully requested.

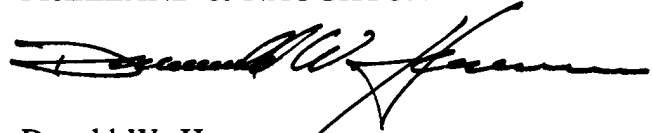
In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account

No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
McLELAND & NAUGHTON

A handwritten signature in black ink, appearing to read "Donald W. Hanson", written over a horizontal line.

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